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Approval for use through 04/30/2003. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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|-------------------------------------------------------------------------------------|----------------------|------------------------|--------------|
| <b>TRANSMITTAL FORM</b><br>(to be used for all correspondence after initial filing) | Application Number   | 09/825,147             |              |
|                                                                                     | Filing Date          | Apr 3, 2001            |              |
|                                                                                     | First Named Inventor | Hu, Yi                 |              |
|                                                                                     | Art Unit             | 1646                   |              |
|                                                                                     | Examiner Name        | M. Pak                 |              |
| Total Number of Pages in This Submission                                            | 17 pgs plus Exhibits | Attorney Docket Number | LEX-0160-USA |

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| ENCLOSURES (check all that apply)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
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| <input type="checkbox"/> Fee Transmittal Form<br><input type="checkbox"/> Fee Attached<br><input checked="" type="checkbox"/> Amendment / Reply<br><input type="checkbox"/> After Final<br><input type="checkbox"/> Affidavits/declaration(s)<br><input checked="" type="checkbox"/> Extension of Time Request<br><input type="checkbox"/> Express Abandonment Request<br><input type="checkbox"/> Information Disclosure Statement<br><input type="checkbox"/> Certified Copy of Priority Document(s)<br><input type="checkbox"/> Response to Missing Parts/Incomplete Application<br><input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s)<br><input type="checkbox"/> Licensing-related Papers<br><input type="checkbox"/> Petition<br><input type="checkbox"/> Petition to Convert to a Provisional Application<br><input type="checkbox"/> Power of Attorney, Revocation<br><input type="checkbox"/> Change of Correspondence Address<br><input type="checkbox"/> Terminal Disclaimer<br><input type="checkbox"/> Request for Refund<br><input type="checkbox"/> CD, Number of CD(s) _____ | <input type="checkbox"/> After Allowance Communication to Group<br><input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences<br><input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)<br><input type="checkbox"/> Proprietary Information<br><input type="checkbox"/> Status Letter<br><input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):<br>- Return Postcard<br>- Exhibits A - G |
| Remarks                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| Customer # 24231                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |

| SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT |                                                                                              |
|--------------------------------------------|----------------------------------------------------------------------------------------------|
| Firm or Individual                         | Lexicon Genetics Incorporated<br>Lance K. Ishimoto Reg. No. 41,866                           |
| Signature                                  | <i>Lance K. Ishimoto by David W. Hubler</i> <i>DAVID W. HUBLER</i><br><i>REG. NO. 41,071</i> |
| Date                                       | October 2, 2003                                                                              |

| CERTIFICATE OF TRANSMISSION/MAILING                                                                                                                                                                                                                                                                                                                        |                       |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------|
| I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Alexandria, VA 22313 on this date: <span style="border: 1px solid black; padding: 2px;">October 2, 2003</span> |                       |
| Typed or printed                                                                                                                                                                                                                                                                                                                                           | <i>Michelle Klein</i> |
| Signature                                                                                                                                                                                                                                                                                                                                                  | <i>Michelle Klein</i> |
| Date                                                                                                                                                                                                                                                                                                                                                       | October 2, 2003       |

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.



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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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|---------------------------------------------------------------------------------|------------------|-------------------|--------------|
| Applicant(s):                                                                   | Hu <i>et al.</i> | Group Art Unit:   | 1646         |
| Application No.:                                                                | 09/825,147       | Examiner:         | M. Pak       |
| Filed:                                                                          | 04/03/2001       | Atty. Docket No.: | LEX-0160-USA |
| Title: Novel Human Ion Channel Protein and<br>Polynucleotides Encoding the Same |                  |                   |              |

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**AMENDMENT; AND RESPONSE TO OFFICE ACTION DATED JULY 2, 2003**

Commissioner for Patents  
Alexandria, VA 22313

Sir:

The Applicants acknowledge the receipt of the Office Action ("the Action") mailed on July 2, 2003 (Paper No. 8), which has been carefully reviewed and studied. The Examiner is respectfully requested to enter the following amendments. Reexamination and reconsideration of the application is requested in view of the following amendments and remarks. In order to facilitate the Examiner's evaluation of the application, Applicants have attempted to address the rejections in Paper No. 8 in the same order in which they were originally raised.

The response is timely filed, and Applicants believe no fees are due in connection with this response. However, the Commissioner is authorized to charge any additionally required fees or credit any overpayment to Deposit Account No. 50-0892.